

PATENT APPLICATION  
CS8774  
BCS03-3030

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICATION OF	)	
	)	ART UNIT: 1626
RALF DUNKEL ET AL	)	
	)	EXAMINER: YONG LIANG CHU
SERIAL NO.: 10/576,243	)	
	)	CONFIRMATION NO.: 8859
FILED: OCTOBER 27,2006	)	
	)	
TITLE: HEXYL CARBOXANILIDES AND	)	
THEIR USE FOR CONTROLLING	)	
UNDESIRABLE MICRO-ORGANISMS	)	

**DECLARATION UNDER 37 CFR 1.132**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

I, Ulrike Wachendorff-Neumann of Oberer Markweg 85, 56566 Neuwied, Germany, a citizen of Germany, declare as follows:

1. I am an entomologist having studied at the University of Bonn, Germany, where I received the degree of doctor rer. nat. in the year 1982; I specialized in the field of entomology and phytopathology; and I entered the employ of Bayer Aktiengesellschaft, Leverkusen, Germany, in 1982, where I have been employed in the department for the biological development of chemical compounds for plant diseases at Monheim, Germany, and after the spin-off to form Bayer CropScience AG I am now an employee of this company in the department of Global Biology Fungicides.

2. I am familiar with the subject matter of the above-identified United States patent application.

3. The following experiments with the following results have been carried out under my supervision and direction:

Example 1 *Sphaerotheca* test (cucumbers) / protective

Solvent: 24.5 parts by weight of acetone

24.5 parts by weight of dimethylacetamide

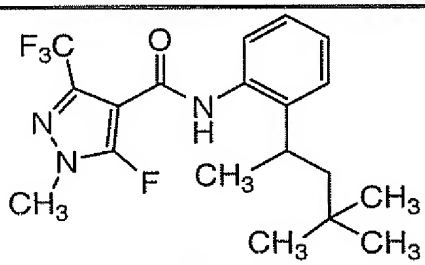
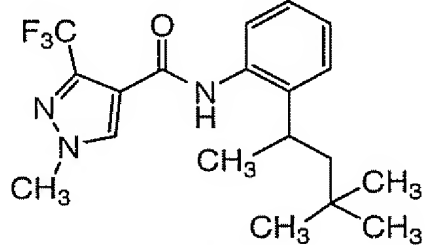
Emulsifier: 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for protective activity, young plants are sprayed with the preparation of active compound at the stated rate of application. After the spray coating has dried on, the plants are inoculated with an aqueous spore suspension of *Sphaerotheca fuliginea*. The plants are then placed in a greenhouse at approximately 23°C and a relative atmospheric humidity of approximately 70%.

The test is evaluated 7 days after the inoculation. Test results are shown in Table 1. 0% means an efficacy which corresponds to that of the control, while an efficacy of 100% means that no disease is observed.

Table 1: *Sphaerotheca* test (cucumbers) / protective

Active compound		Rate of application of active compound in ppm	Efficacy in %
Comparison compound		100	85
		10	60
Inventive compound: Example 6 of CS8774/ BCS03-3030		100	100
		10	90

Example 2 *Uncinula* test (grapevines) / protective

Solvent: 24.5 parts by weight of acetone

24.5 parts by weight of dimethylacetamide

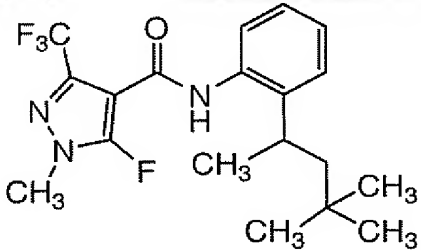
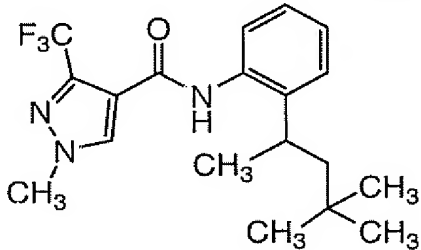
Emulsifier: 1 part by weight of alkylaryl polyglycol ether

To produce a suitable preparation of active compound, 1 part by weight of active compound is mixed with the stated amounts of solvent and emulsifier, and the concentrate is diluted with water to the desired concentration.

To test for protective activity, young plants are sprayed with the preparation of active compound at the stated rate of application. After the spray coating has dried on, the plants are inoculated with an aqueous spore suspension of *Uncinula necator*. The plants are then placed in a greenhouse at approximately 23°C and a relative atmospheric humidity of approximately 70%.

The test is evaluated 14 days after the inoculation. Test results are shown in Table 2. 0% means an efficacy which corresponds to that of the control, while an efficacy of 100% means that no disease is observed.

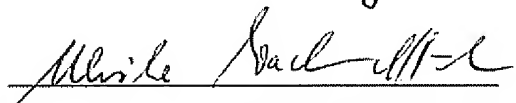
Table 2: *Uncinula* test (grapevines) / protective

Active compound		Rate of application of active compound in ppm	Efficacy in %
Comparison compound		100	78
Inventive compound: Example 6 of CS8774/ BCS03-3030		100	100

4. The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing therefrom.

Further Declarant Sayeth Not.

Signed at Monheim, Germany, this 27<sup>th</sup> day of May, 2009.

A handwritten signature in cursive script, appearing to read 'Ulrike Wachendorff-Neumann', written over a horizontal line.

ULRIKE WACHENDORFF-NEUMANN